

ORDINANCE NO. 1013

AN ORDINANCE OF THE CITY OF LODI PROVIDING
FOR EXTENSION OF SANITARY SEWERS AND REIMBURSE-
MENT THEREOF WITHIN THE CITY OF LODI

The City Council of the City of Lodi does hereby ordain as follows:

SECTION 1: SANITARY SEWER EXTENSION POLICY

The City Council is desirous of adopting a sanitary sewer extension policy that is fair and equitable to all developing properties and that provides that the cost of extension shall be distributed among subsequently developing properties connecting thereto.

SECTION 2: SANITARY SEWER EXTENSION NECESSARY

Whenever a property owner is desirous of obtaining sanitary sewer service where no adequate sanitary sewer exists, an application shall be made to the Public Works Director for sanitary sewer service.

The Public Works Director shall determine the closest adequate sanitary sewer, indicate the size of the main to be extended, and the limits of the extension.

SECTION 3: APPLICANT'S OBLIGATION

Whenever the Public Works Director determines that a sanitary sewer extension is necessary, the applicant will be required to install at his own expense the sanitary sewer extension in accordance with engineering plans furnished by applicant and approved by the Public Works Director. The plans shall be prepared in accordance with the City sanitary sewer design standards and this ordinance.

SECTION 4: PARCEL FRONTAGE EXTENSION OF SANITARY SEWER

In every case where a sanitary sewer is to be extended to serve a parcel, the same shall extend the full frontage of said parcel unless the Public Works Director determines that the sanitary sewer will not need to be extended to serve any other properties.

SECTION 5: MINIMUM SIZE OF SANITARY SEWER

The minimum size sanitary sewer shall have a nominal inside diameter of six inches except as may be determined by the Public Works Director from engineering calculations.

SECTION 6: REIMBURSEMENT

Whenever an applicant for sanitary sewer extension constructs or installs a sanitary sewer that may serve additional properties, the applicant may apply for a sanitary sewer extension reimbursement agreement. The Public Works Director shall determine the extent to which additional properties may be served and recommend a sanitary sewer extension agreement to the City Council prior to construction of any sanitary sewer. Additional properties means (a) properties abutting the sanitary sewer and (b) properties that may be subject to an area charge as herein provided in Section 7 (i).

SECTION 7: REIMBURSEMENT AGREEMENT

The sanitary sewer extension agreement shall contain the following:

- (a) The amount of the reimbursable costs shall be determined by the Public Works Director and subject to the approval of the City Council.
- (b) Reimbursable costs shall include sanitary sewer construction costs plus an administrative and engineering cost of 10% of the construction cost.

- (c) Sanitary sewer laterals serving individual properties shall not be included as a reimbursable cost.
- (d) There shall be no reimbursement to the applicant in excess of reimbursable costs stated in the agreement.
- (e) No interest, finance or security costs shall be included in the reimbursable costs.
- (f) Reimbursement shall be paid from charges collected by the City from abutting properties as they connect to the new sanitary sewer or from applicants where area charges for larger sanitary sewers are applicable.
- (g) Reimbursement shall be paid only from charges collected within ten years from the date of the agreement. The City shall have no obligation to pay reimbursement from any source other than reimbursement funds collected pursuant to this ordinance. Charges collected from abutting properties after ten years shall be retained by the City.
- (h) The charges collected for reimbursement shall be based upon front footage parallel to the sanitary sewer of adjoining properties for sanitary sewers up to eight inches in diameter.
- (i) Whenever the Public Works Director determines that a sanitary sewer larger than eight inches in diameter is necessary to serve additional properties, then an area charge shall be made to cover the additional reimbursable cost of the larger sanitary sewer. The area charge shall be determined by dividing the difference in cost between an eight-inch sanitary sewer and the actual size

of the sewer installed by the number of additional acres served. The Public Works Director shall prepare a map as part of the agreement showing the area to be served by a larger sanitary sewer. The reimbursable charge for each acre of additional property shall be shown in the agreement. All area calculations shall be to the nearest one-tenth of an acre.

(j) An administrative cost of 2% of the total reimbursable cost shall be deducted from any monies paid to the City as payment for administering the reimbursement provisions of this ordinance.

(k) Reimbursement shall be payable to heirs, successors, and assigns of the applicant.

SECTION 8: CITY TO BENEFIT FROM REIMBURSEMENT

Whenever the City has extended or installed a sanitary sewer that will serve abutting properties, the City shall be eligible for reimbursement in a like manner as other applicants.

SECTION 9: PAYMENT FOR REIMBURSEMENT

Wherever the City Council has approved a sanitary sewer extension reimbursement agreement, the front footage charges and area charges shall be collected by the City from any parcel abutting the sanitary sewer or included within the area covered in the agreement at the time of development and prior to sanitary sewer service being provided to the abutting parcel.

SECTION 10: LETTER OF ENTITLEMENT

When payment for reimbursement has been made, the Public Works Director shall prepare a letter of entitlement stating the fees collected, reference to the sanitary sewer extension reimbursement agreement, the

amount to be reimbursed, and the administrative charge to be retained by the City. This letter of entitlement shall be forwarded to the Finance Director for actual reimbursement under terms of the agreement.

SECTION 11: UNCLAIMED REIMBURSEMENT

The Finance Director shall mail the reimbursement to the last address on file with the Finance Director of the applicant in the sanitary sewer reimbursement agreement. Any reimbursement returned or unclaimed after two years from the date of mailing will revert to the City's general fund.

SECTION 12: EFFECTIVE DATE

This ordinance shall apply to all properties developed after August 1, 1972. Reimbursable costs shall be collected and reimbursed for any sanitary sewers accepted for maintenance after that date as outlined in this ordinance. Provided, however, that property covered by tentative maps or use permits approved by the Planning Commission prior to August 1, 1972 and developed within 18 months of said approval date by the Planning Commission shall not be required to pay reimbursement charges.

SECTION 13: PUBLICATION

This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 15th day of August, 1973

RICHARD L. HUGHES
Mayor

Attest: Bessie L. Bennett
City Clerk

State of California

County of San Joaquin, ss.

I, Bessie L. Bennett, City Clerk of the City of Lodi and ex officio Clerk of the City Council of said city, do hereby certify that Ordinance No. 1013 was introduced at a regular meeting of the City Council held August 1, 1973 and was thereafter passed, adopted and ordered to print at a regular meeting held August 15, 1973 by the following vote:

Ayes: Councilmen - EHRHARDT, KATNICH, PINKERTON,
SCHAFFER and HUGHES

Noes: Councilmen - None

Absent: Councilmen - None

I further certify that Ordinance No. 1013 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

Bessie L. Bennett
City Clerk